

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS KELLEY,

Plaintiff(s),

CASE NUMBER: 07-13236

HONORABLE VICTORIA A. ROBERTS

v.

ROCCO DeMASI, CORRECTIONAL
MEDICAL SERVICES, and MICHIGAN
DEPARTMENT OF CORRECTIONS BUREAU
HEALTH CARE SERVICES,

Defendant(s).

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 26, 2008, Magistrate Judge R. Steven Whalen submitted a Report and Recommendation (Doc. #26) recommending that the Court DENY Defendant Correctional Medical Services's "Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 42 U.S.C. 1997e." (Doc. #9).

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. Defendant's motion is **DENIED.**

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: September 18, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Thomas Kelley by electronic means or U.S. Mail on September 18, 2008.

s/Carol A. Pinegar _____
Deputy Clerk